

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEITH ALLEN, #M21830,)
Plaintiff,)
v.) No. 23-cv-3775-DWD
WEXFORD HEALTH SOURCES,)
INC, et al.)
Defendants.)

**DEFENDANT NICHOLAS FLORENCE, M.D.'S
MOTION FOR LEAVE TO ISSUE SUBPOENAS**

This Defendant, NICHOLAS FLORENCE, M.D., by and through his attorneys, James D. Sloan, Zachary G. Stillman, and LITCHFIELD CAVO, LLP, for his Motion for Leave to Issue a Fed. R. Civ. P. 45 Third-Party Subpoena to Menard Correctional Center, states as follows:

1. This matter arises from Plaintiff's allegations of improper medical care for a right-hand injury sustained while incarcerated. Plaintiff has placed his medical condition and treatment at issue.

2. Based on subpoenas and exchanged discovery to date, it is apparent that the specific imaging documentation and records that were later interpreted by This Defendant and other providers are in the possession of the Menard Correctional Center and the Illinois Department of Corrections, and must be obtained via Rule 45 subpoenas. These records are essential for evaluating the claims and preparing defenses.

3. While the Court's Scheduling and Discovery Order (Doc. 98) does not expressly limit third-party discovery, Defendant seeks leave out of an abundance of caution given Plaintiff's pro se status and to ensure compliance with Rule 26(b) and proportionality principles.

4. Defendant intends to issue subpoenas limited to Plaintiff's x-ray and other imaging records directly relating to his alleged hand injuries and treatment (August 2021 to present).

5. Defendant will serve copies of any subpoenas on Plaintiff pursuant to Rule 45(a)(4) and allow time for objections.

WHEREFORE, Defendant, NICHOLAS FLORENCE, M.D., respectfully moves this Honorable Court to enter an order granting leave to issue third party subpoenas for the medical records as described above, and for any further relief deemed just and proper.

Respectfully submitted,
LITCHFIELD CAVO LLP

By: /s/ James D. Sloan
Attorney for Nicholas Florence, M.D.

James D. Sloan #6256682
Zachary G. Stillman #6342749
Litchfield Cavo LLP
303 West Madison Street
Suite 300
Chicago, IL 60606
(312) 781-6650 Phone
sloanj@litchfieldcavo.com
stillman@litchfieldcavo.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 15, 2025, I filed the foregoing document with the clerk of the U.S. District Court Southern District of Illinois ECF system. I also served this pleading via U.S. Mail to the address listed below.

/s/ James D. Sloan

Keith Allen, M21830
Menard Correction Center
P.O. Box 1000
Menard, IL 62259